

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

IN RE CROP PROTECTION PRODUCTS
LOYALTY PROGRAM ANTITRUST
LITIGATION

MDL No. 1:23-md-3062-TDS-JEP

**DECLARATION OF FINE, KAPLAN AND BLACK IN SUPPORT OF THE
FIRST-FILED GROUP'S MOTION FOR APPOINTMENT OF
INTERIM CO-LEAD COUNSEL**

I, Roberta D. Liebenberg, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am a member in good standing of the Bar of the Commonwealth of Pennsylvania.

2. I am the Senior Partner of the law firm of Fine, Kaplan and Black, RPC, counsel for Plaintiff Frederick C. Croscut in the above-captioned litigation, and as such, I am familiar with these proceedings and the matters stated below.

3. I submit this Declaration in support of the First-Filed Group's Motion for Appointment of Interim Co-Lead Counsel.

4. I have a proven track record in effectively and efficiently litigating complex class actions for both plaintiff classes and Fortune 500 defendants throughout the United States. This includes numerous appointments as co-lead counsel and other high-level roles in some of the country's most significant antitrust and consumer class actions. I have extensive experience litigating and managing all aspects of complex antitrust matters including discovery, class certification, dispositive motions, and trial.

5. For example, I am currently serving as Lead Counsel for the End-Payer Class in *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, MDL No. 2724 (E.D. Pa.), the largest price-fixing case now pending in the country. The Court denied defendants' numerous motions to dismiss, and extensive discovery is ongoing relating to scores of generic drugs. Two of the drugs at issue have been selected to proceed as bellwethers, and briefing on class certification is set to begin later this year.

6. I also served as Co-Lead Counsel in *In re Urethane Antitrust Litigation*, MDL No. 1616 (D. Kan.) where, after a four-week trial, the jury returned a verdict of

\$400 million against the Dow Chemical Company. After trebling, the Court entered a judgment in excess of \$1 billion. In an opinion at the end of that case, the Court wrote, “In almost 25 years of service on the bench, this Court has not experienced a more remarkable result.” 2016 WL 4060156, at *4 (D. Kan. July 29, 2016).

7. I am familiar with the First-Filed Group’s work in litigating antitrust class actions and have worked cooperatively with them in the past. I support the appointment of the First-Filed Group as Interim Co-Lead Counsel. Each of the firms are highly-respected based on their substantial experience litigating complex antitrust class actions and achieving outstanding results for their clients and class members. The firms in the First-Filed Group are eminently qualified and deserving to lead this case.

8. Based on my experience in antitrust class actions, and my familiarity with the firms that comprise the First-Filed Group, I believe that appointing the First-Filed Group as Interim Co-Lead Counsel in this litigation would best advance the interests of Plaintiffs and the classes.

9. Fine Kaplan has no agreement with a litigation funder for purposes of this case.

10. Fine Kaplan is available and willing to assist the First-Filed Group should they ask for our assistance in prosecuting this matter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 19, 2023
Philadelphia, Pennsylvania

/s/ Roberta D. Liebenberg
Roberta D. Liebenberg